

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BRIAN LEWIS,

Plaintiff,

V.

LEIDOS HOLDINGS, INC.,

Serve: CT Corporation System

4701 Cox Rd Ste. 285,

Glen Allen, VA 23060-6808

Defendant.

CIVIL ACTION NO:

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Brian Lewis ("Lewis" or "Plaintiff"), by counsel, for his Complaint against Defendant, Leidos Holdings, Inc. ("Leidos" or "Defendant"), alleges as follows:

THE PARTIES

1. Plaintiff Lewis is a natural person, and at all times relevant hereto was, a citizen of the Commonwealth of Virginia, residing in the city of Reston, Virginia.
2. Defendant Leidos is a Delaware corporation, with its headquarters and principal place of business in Reston, Virginia. Defendant does business throughout the Commonwealth of Virginia.

JURISDICTION AND VENUE

3. This court has jurisdiction over the subject matter of this complaint pursuant to 28 U.S.C. §§ 1331. Venue properly lies in this Court because the controversy involves Defendant's behavior at Plaintiff's place of employment, in the Eastern District of Virginia.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

4. Prior to instituting this suit, Lewis timely filed an administrative claim with the Fairfax County Office of the Equal Employment Opportunity Commission (EEOC). A true and correct copy of the Charge of Discrimination is attached to this complaint and incorporated by reference as Exhibit "A."

5. The EEOC failed to resolve the claim and issued a right-to-sue letter dated September 9, 2020. A true and correct copy of the right-to-sue letter is attached to this complaint and incorporated by reference as Exhibit "B." Lewis received the EEOC's right-to-sue letter on September 12, 2020. Plaintiff has filed his complaint within 90 days from the date he received his notice authorizing the right to bring this action.

STATEMENT OF FACTS

6. Plaintiff Lewis is a white male.

7. Defendant Leidos is a scientific engineering and technology applications company that helps its government and commercial customers solve problems in the areas of national security, energy and the environment.

8. Lewis began his employment with Leidos on October 10, 2005 as a Finance and Business Operations ("F&BO") Senior Manager.

9. In May 2019, Carla Cernigliaro ("Cernigliaro"), F&BO Director, became Lewis' direct manager. Due to multiple disagreements with Cernigliaro over issues involving business ethics, Lewis submitted his resignation from F&BO with the intent to continue working for Leidos in another department.

10. Lewis specifically informed Leidos that he did not intend to leave the company but was rather seeking to be put on a redeployment list. During his many years with Leidos,

Lewis had witnessed several individuals move seamlessly from one department to another via the redeployment list.

11. On March 3, 2020, Lewis formally applied for another position with Leidos by submitting his resume in response to an open position on the company's job board. The submission was for one of two Earned Value Management System ("EVMS")

Implementation Subject Matter Expert ("SME") positions.

12. On March 11, 2020 Lewis interviewed formally for the SME position. At the meeting along with Lewis was EVMS Director, Dale Gillam ("Gillam") (the hiring manager) and Gillam's superior, Russ Sherrett.

13. Others such as EVMS Implementation Manager, Zachary Coates ("Coates") and EVMS Master Scheduler, Jennifer Phillips ("Phillips"), were present for the interview.

14. Gillam and Sherrett were enthusiastic about Lewis' impressive experience and accomplishments with Leidos. Further both Sherrett and Gillam expressed excitement over the possibility of Lewis bringing with him his "A Team" of coworkers to the SME position.

15. After the formal interview concluded, Sherrett cleared the room and spoke with Lewis privately. Sherrett told Lewis that he had followed his career. He then said Lewis was perfect for the position but that "because he was a white male", the process of hiring "would not be quick." Sherrett explained "because this is a corporate position . . . I'm really up against it." Sherrett further told Lewis that they would have to interview many others even though there "was no more qualified candidate" than Lewis for the position. Sherrett concluded by telling Lewis "being a white male may not help you."

16. While waiting on word that he would receive the SME position, Lewis was informed by Leidos' Human Resources Department that he would be place on a "short separation" from Leidos.

17. On or about March 13, 2020, Leidos required Lewis to sign separation documents. Lewis did so with the understanding that he would be offered the SME position in the near future.

18. Leidos never offered Lewis the SME position or allowed him to return to employment. In fact, Leidos did not have any further formal or informal communications with Lewis. Rather, Leidos hiring a female, Nicotte Healey ("Healey") on or about April 6, 2020 to the SME position.

19. Healey's qualifications and experience were vastly inferior to Lewis'.

COUNT I

(Racial and/or Gender Discrimination in Violation of Title VII of the Civil Rights Act of 1964, 42 USC 2000e. et seq.)

20. Plaintiff repeats and realleges each and every Paragraph of this Complaint as though fully set forth herein.

21. Defendant is an "employer" as that term is defined by Title VII 42 U.S.C. 2000e et seq.

22. As an employer, Defendant owed Plaintiff a duty pursuant to Title VII not to discriminate against him with respect to employment, compensation or a term, condition or privilege of employment because of his race and/or gender.

23. Defendant violated this duty to Plaintiff by, among other things, treating Plaintiff less favorably than similarly situated employees who where of a different race and/or gender, denying Plaintiff opportunities for certain positions with Defendant, and otherwise

discriminating against Plaintiff with respect to the terms, conditions, opportunities and/or privileges of his employment because of his race and/or gender.

24. Defendant's conduct was intentional and its violations of federal law were willful.

25. As a direct and proximate result of Defendant's violation of Title VII based on Plaintiff's race and/or gender, Plaintiff has suffered damages, including but not limited to loss of past and future income and fringe benefits, loss of professional reputation, mental anxiety and emotional distress.

26. Plaintiff is entitled to recover his reasonable attorney fees, costs and expert witness expenses pursuant to Title VII.

JURY DEMAND

Plaintiff demands a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Brian Lewis, prays for entry of judgment in favor of Plaintiff and against Defendant Leidos Holdings, Inc. in the form of the following relief:

- a. Back Pay;
- b. Front Pay;
- c. Compensatory Damages;
- d. Punitive Damages;
- e. Attorneys' fees and court costs associated with this suit; and
- f. Other such relief as may be appropriate to effectuate the purpose of justice.

Date: December 10, 2020

Respectfully submitted,

BRIAN LEWIS

____/s/_Todd M. Gaynor_____

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